

# City Council Agenda

## REVISED AGENDA

Council President  
Blong Xiong

Councilmembers

Oliver L. Baines III  
Lee Brand  
Steve Brandau – Acting President

Paul Caprioglio  
Clinton J. Olivier  
Sal Quintero

City Manager  
Mark Scott

City Clerk  
Yvonne Spence, CMC

City Attorney  
Douglas T. Sloan

The meeting room is accessible to the physically disabled. If you require special assistance to participate in the meeting, notify the Office of the City Clerk at 559-621-7650 at least three business days prior to the meeting. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, contact Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2<sup>nd</sup> Floor, 2600 Fresno Street, Fresno CA 93721.

### FISCAL YEAR 2013-2014 BUDGET HEARINGS – TO BE HELD IN THE COUNCIL CHAMBERS (SUBJECT TO CHANGE)

**Please Note:** Department budgets will generally be considered as listed below starting with the initial public hearing and continuing until council adopts the budget. Members of the public will be allowed to address the Council regarding the budget and will be allowed two (2) minutes. Please be advised consideration of some departments may be continued to the next scheduled hearing date if discussions run long, and other departments may be considered in advance of the date and time listed.

June 10-	10:00 A.M.	Personnel; Finance; General City Purpose; Fire; Information Services
June 11-	8:30 A.M.	PARCS; FYI; Convention Center; Police; FAX; Public Works; Public Utilities
June 12-	8:30 A.M.	Mayor-Budget Presentation; General Fund Overview; Mayor/CMO; City Council; DARM ; CDBG; HOME; NSP, ESG; City Clerk, City Attorney
June 13-	8:30 A.M.	<b>Council Meeting-No Budget Hearings</b>
June 14-	10:00 A.M.	Budget Overflow; All Requests/Questions to Administration
June 17-	8:30 A.M.	Administration to Respond to all Council Questions by this Date
June 18-	8:30 A.M.	Final motions by Council; Council vote on Motions
June 19-	8:30 A.M.	Budget Overflow; Final Motions; Council vote on Motions
June 20-	1:30 P.M.	<b>Council Meeting-No Budget Hearings</b>
June 21-	8:30 A.M.	Budget Overflow; Council vote on Motions
June 28-	8:30 A.M.	Final Day to Approve Budget
June 30-	8:30 A.M.	Balance Budget Required by Charter

## June 20, 2013

### 1:30 P.M. ROLL CALL

Invocation by Pastor Kevin Foster from LifeBridge Community Church

Pledge of Allegiance to the Flag

The agenda and related staff reports are available on ([www.fresno.gov](http://www.fresno.gov)) as well as in the Office of the City Clerk. The Council meeting can also be heard live at the same web site address, and viewed live on Comcast Channel 96 and AT&T Channel 99 from 8:30 a.m. and re-played beginning at 8:00 p.m.

June 20, 2013

\*SUBJECT TO MAYOR'S VETO OR RECONSIDERATION

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AND MAY BE AMENDED AT ANYTIME

**PROCESS:** For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

No documents shall be accepted for Council review unless they are submitted to the City Clerk at least **24 hours prior** to the Council Agenda item being heard.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve Council minutes of June 13, 2013

**Action Taken:**

Approve budget minutes of June 10, 11, and 12, 2013

**Action Taken:**

Councilmember Reports and Comments

**Action Taken:**

Approve Agenda

**Action Taken:**

Adopt Consent Calendar

**Action Taken:**

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered as time allows.

- A. **RESOLUTION** - Claiming funds for uncashed checks dated June 23, 2010 through June 25, 2010 relating to the refund of special assessments in the amount of \$96,043.29 – Finance Department

**Action Taken:**

- B. **RESOLUTION** - Authorizing the submission of the application to the California Housing and Community Development Department for an Enterprise Zone Targeted Employment Area designation – Development and Resource Management Department

**Action Taken:**

- C. **RESOLUTION** – Of intention to annex Final Tract Map No. 5599, Annexation No. 50, to City of Fresno Community Facilities District No. 11 and to authorize the levy of special taxes; and setting the public hearing for July 25, 2013 at 10:00 a.m. (***Property located in District 1***) (East side of N. Polk Avenue between W. Shaw and Gettysburg Avenue) – Public Works Department

**Action Taken:**

1. **CONSENT CALENDAR CONTINUED**

- D. Actions pertaining to City of Fresno Landscaping and Lighting Maintenance District No. 1 (**Citywide**) – Public Works Department
1. **RESOLUTION** – To levy and collect the annual assessment for City of Fresno Landscaping and Lighting Maintenance District No. 1
  2. **RESOLUTION** - Initiate proceedings and declare intention to levy the annual assessment for the City of Fresno Landscaping and Lighting Maintenance District No. 1 and setting the hearing for July 25, 2013 at 10:00 a.m.  
**Action Taken:**
- E. Approve an agreement for relocation of a pipeline owned by Fresno Irrigation District (FID) and common use of the pipeline easement adjacent to N. Willow Avenue between Decatur Avenue and Nees Avenue and authorize the Public Works Director or his designee to sign the agreement on City's behalf (**Property located in District 6**) – Public Works Department  
**Action Taken:**
- F. **RESOLUTION** - Approving the Final Map of Tract No. 5982 and accepting the dedicated public uses offered therein (**Property located in District 3**) – Public Works Department  
**Action Taken:**
- G. Actions pertaining to the professional engineering services to design the new sewer infrastructure for the future North Avenue industrial growth area (**Property located in District 3**) – Department of Public Utilities
1. Approve a consultant agreement in the amount of \$53,600 with Provost and Pritchard Consulting Group, a California Corporation of Fresno, California  
**Action Taken:**
  2. Authorize Director of Public Utilities or his designee to sign on behalf of the City  
**Action Taken:**
- H. \* **RESOLUTION** - 52nd amendment to the Annual Appropriation Resolution (AAR) No. 2012-125 appropriating \$282,400 in the water connection fee charge fund for completion of water system connection projects (**Requires 5 affirmative votes**) (**Citywide**) – Department of Public Utilities  
**Action Taken:**
- I. Approve appointments of David Ruiz to the Bicycle/Pedestrian Advisory Committee and the Downtown Neighborhoods Community Advisory Committee – Councilmember Olivier  
**Action Taken:**

**CONTESTED CONSENT CALENDAR**

2. **GENERAL ADMINISTRATION**

- A. **RESOLUTION** – Authorizing the acceptance of \$1,000,000 in Federal transportation grant funding through the Transportation, Community and System Preservation (TCSP) program and authorizing the Public Works Director or designee to execute all grant-related documents on behalf of the City – Public Works Department  
**Action Taken:**
1. \* **RESOLUTION** –50th amendment to the Annual Appropriations Resolution (AAR) No. 2012-125 appropriating \$1,000,000 for design costs on the Fulton Mall Project in fiscal year 2013 (**Requires 5 affirmative votes**) (**Property located in District 3**) – Development and Resource Management Department  
**Action Taken:**
- B. Authorize the Public Works Director or designee to execute a reimbursed work agreement with the California Department of Transportation for oversight of Federal environmental reviews for the Fulton Mall reconstruction project (**Property located in District 3**) – Development and Resource Management Department  
**Action Taken:**

2. **GENERAL ADMINISTRATION CONTINUED**

- C. Actions pertaining to the construction of Phase 2 Groundwater Remediation at the Fresno Sanitary Landfill *(Property located in District 3)* - Department of Public Utilities
1. \* **RESOLUTION** - 51st amendment to the Annual Appropriation Resolution (AAR) No. 2012-125 appropriating \$524,700 for construction of Phase 2 groundwater remediation at the Fresno Sanitary Landfill *(Requires 5 affirmative votes)*  
**Action Taken:**
  2. Award a contract to Hobbs Construction Inc., in the amount of \$439,617 for the integration of existing groundwater extraction and monitoring wells at the Fresno Sanitary Landfill and authorize the Director of Public Utilities or his designee to execute Agreement on behalf of the City  
**Action Taken:**
- D. Approve 3rd amendment to agreement with Provost & Pritchard Engineering Group increasing the total fee amount by \$802,544 for a total fee amount of \$2,679,244 and change the contingency amount from \$138,500 to \$38,500 for the expansion of existing tasks within scope and additional tasks with new scope for the Raw Water Pipeline Project *(Property located in District 6 and County of Fresno)* – Department of Public Utilities  
**Action Taken:**
- E. **RESOLUTION** - Authorizing the submission of applications for grant funds of up to \$2,000,000 from the California Department of Transportation Highway Safety Improvement Program (HSIP) and authorize the execution of documents by the Public Works Director or designee *(Property located in Districts 1, 3, and 4)* – Public Works Department  
**Action Taken:**

3. **CITY COUNCIL**

4. **CLOSED SESSION**

- A. **CONFERENCE WITH LABOR NEGOTIATOR** – Government Code Section 54957.6  
**City Negotiator(s):** Bruce Rudd, Ken Phillips  
**Employee Organizations:**
1. IUOE, Stationary Engineers, Local 39 (L39)
  2. Fresno City Employees Association (FCEA)
  3. International Association of Firefighters, Local 753 (Fire Basic)
  4. Fresno Police Officers Association (FPOA Basic)
  5. Amalgamated Transit Union, Local 1027 (ATU)
  6. International Brotherhood of Electrical Workers, Local 100 (IBEW)
  7. Fresno Police Officers Association (FPOA Mgmt)
  8. International Association of Firefighters, Local 753 (Fire Mgmt)
  9. City of Fresno Professional Employees Association (CFPEA)
  10. City of Fresno Management Employees Association (CFMEA)
  11. Fresno Airport Public Safety Supervisors (FAPSS)
- Action Taken:**
- B. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)
1. City Of Fresno v. Fare Logistics Corporation Of British Columbia, Canada; United States District Court Case No. 12-CV-02080-AWI-BAM  
**Action Taken:**

## **SCHEDULED COUNCIL HEARINGS AND MATTERS**

**2:30 P.M.**      **WORKSHOP** relating to Creating Prosperity in Fresno, a diversified group of business, civic, education and non-profit leaders who believe key changes in the City of Fresno can spur private sector job growth and economic vitality for our City/County - Acting President Brandau

**PLEASE NOTE: UNSCHEDULED COMMUNICATIONS IS NOT SCHEDULED FOR A SPECIFIC TIME AND MAY BE HEARD ANY TIME DURING THE MEETING**

### **SCHEDULED COMMUNICATION –**

**UNSCHEDULED COMMUNICATION –** Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk's Office at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

## **SCHEDULED COUNCIL HEARINGS AND MATTERS**

June 27 -	10:00 A.M.	<b>HEARING</b> re: Rezone Application No. R-09-012, Conditional Use Permit No. C-09-161, filed by DeWayne Zinkin
June 27 -	2:00 P.M.	Direct staff of the City of Fresno to initiate the Proposition 218 hearing process for the proposed increase of water utility rates – Department of Public Utilities
July 4 -	<b>COUNCIL VACATION</b>	
July 11 -	<b>COUNCIL VACATION</b>	
July 18 -	10:00 A.M.	<b>HEARING</b> to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 9, Annexation No. 5 (Final Parcel Map No. 2011-10) <b>(Property located in District 1)</b> (east side of N. Brawley Avenue between W. Gettysburg and Ashlan Avenues)
July 18 -	10:15 A.M.	<b>HEARING</b> to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 11, Annexation No. 49 (Final Tract Map No. 5932) <b>(Property located in District 5)</b> (southwest corner of E. Fancher Creek Drive and S. Sunnyside Avenue) – Public Works Department
July 18 -	10:30 A.M.	<b>HEARING</b> re: Rezone Application No. R-13-004, filed by Bradley Stienberger
July 25 -	10:00 A.M.#1	<b>HEARING</b> to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 11, Annexation No. 50 (Final Tract Map No. 5599) (Council District 1) (East side of N. Polk Avenue between W. Shaw and Gettysburg Avenue)
July 25 -	10:00 A.M.#2	<b>HEARING</b> - City of Fresno Landscaping and Lighting Maintenance District No. 1 <b>(Citywide)</b> – Public Works Department
Aug. 1 -	<b>COUNCIL VACATION</b>	
Aug. 8 -	<b>COUNCIL VACATION</b>	
Aug. 15 –	5:00 P.M.	<b>HEARING</b> re: Proposition 218

## **UPCOMING EMPLOYEE CEREMONIES**

Aug. 15 –	1:30 P.M.	Presentation of P.R.I.D.E. Team Certificates for the Summer Quarter <b>(Reception immediately following - 2<sup>nd</sup> floor foyer)</b>
Oct. 23 – (Weds.)	2:00 P.M.	Employee Service Awards Ceremony <b>(Reception immediately following - 2<sup>nd</sup> floor foyer)</b>